

JASON M. FRIERSON
United States Attorney
District of Nevada
Nevada Bar Number 7709
ALLISON REESE
Nevada Bar Number 13977
Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
Phone: (702) 388-6336
Email: allison.reese@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARYL CATRELL CALDWELL, JR.,

Defendant.

Case No. 2:23-mj-00892-DJA

**ORDER TO CONTINUE THE
PRELIMINARY HEARING
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between JASON M. FRIERSON, United States Attorney, and ALLISON REESE, Assistant United States Attorney, counsel for the United States of America, and WILLIAM BROWN, counsel for Defendant DARYL CATRELL CALDWELL, JR., that the preliminary hearing in the above-captioned matter, currently scheduled for November 14, 2023, at 4:00 p.m., be vacated and continued for thirty (30) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. Counsel for the Government will be out of district and unable to attend the scheduled preliminary hearing.

2. Defendant DARYL CATRELL CALDWELL, JR. is not in custody and does not object to the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the first request for a continuation of the preliminary hearing.

DATED: November 1, 2023

Respectfully submitted,

JASON M. FRIERSON
United States Attorney

/s/ Allison Reese

ALLISON REESE
Assistant United States Attorney

/s/ William H. Brown

WILLIAM H. BROWN
Counsel for Defendant DARYL CATRELL
CALDWELL, JR.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARYL CATRELL CALDWELL, JR.,

Defendant.

Case No. 2:23-mj-00892-DJA

ORDER

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Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the Government will be out of district and unable to attend the scheduled preliminary hearing.
 2. Defendant DARYL CATRELL CALDWELL, JR. is not in custody and does not object to the continuance.
 3. The parties agree to the continuance.
 4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
 5. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.
 6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).
 7. This is the first request for a continuation of the preliminary hearing.
- For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for November 14, 2023, at the hour of 4:00 p.m., be vacated and continued to December 18, 2023, at 4:00 p.m., Courtroom 3A.

DATED this 6th day of November, 2023.



THE HONORABLE DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE